

REMARKS

Responsive to the Office Action mailed July 7, 2005 and with an extension of time of THREE MONTHS, the present paper is timely filed on or before January 9, 2006. The present paper is a submission filed contemporaneously with a Request for Continuing Examination. By the present Reply and Amendment, claims 31, 32 and 35 are amended and claim 33 is cancelled without prejudice or disclaimer of subject matter therein. New claim 36 is presented. Accordingly, claims 31 and 33- 36 are in the application. Entry of the amendments and continued examination of the application are respectfully requested.

The Claim Amendments

Claims 31 and 35 are amended to point-out the present invention with even greater particularity.

Specifically, claims 31 and 35 are amended to point-out that, in the embodiment presently claimed, the device has at least one luminal surface and that the polymer grafted onto the surface of the device forms a coating thereon. Devices having at least one luminal surface are supported in the specification at, for example, page 8, line 14 (catheter).

Claim 34 is amended to correct dependency required by cancellation of claim 32.

Applicants respectfully submit that the claim amendments introduce no new matter into the application.

New Claim 36

Newly presented claim 36 is drawn to a device, insertable in a patient, having a graft-polymerized coating that does not have a binding component or a linking component. This feature is inherent in the claimed device by virtue of the method, in any of its embodiments, by which it is made.

Claim Rejections Under 35 U.S.C. § 102

Claims 31 -35 stand rejected under 35 U.S.C. § 102 as allegedly anticipated by Peter J. Feydelor and David E.M. Taylor, United States Patent 4,377,010 (Feydelor '010). Because Feydelor '010 does not teach all of the elements of Applicants' claims, arranged as Applicants arrange them in their claims and performing substantially the same function as in

Applicants' claims, and, moreover, because Feydelor et al. does not provide an enabling disclosure of Applicants invention, Applicants respectfully traverse

The Office asserts that Feydelor et al. teaches a medical device (e.g. a vascular prosthesis, heart valve) having a plurality of monomer molecules grafted onto the surface from a medium having reversed phase properties with respect to the substrate. Process limitations in a device claim may be accorded little patentable weight. But Applicants respectfully submit such limitations must be given *some* weight. Applicants respectfully submit that, even *if* Feydelor '010 does teach polymerization from a medium having reversed phase properties, which Applicants only accept *in arguendo*, this falls far short of recitation of all of the elements of Applicants claims. For example the locus and kind or type of initiator, to mention just two "missing" elements. Applicants respectfully submit that the argument at page 4, paragraph 4, of paper 5, repeated in the instant Office Action, fails to establish anticipation of the invention of Applicants' claims 31 - 35.

In the instant Office Action, the Office alleges, citing the abstract, that Feydelor '010 teaches that graft copolymer is grafted "at least at the surface" of the substrate and, citing col. 3, ll. 11 - 17, alleges that the graft polymerization is initiated by organic free radicals. For purposes of the present argument only and concerning Feydelor '010 only, even *if* these allegations were true and combined with the re-asserted arguments, the Office has not shown how Feydelor et al. provides an enabling disclosure of Applicants' inventive device. At column 3, line 15, Feydelor mentions that chemical initiators such as organic peroxides can be used. But all examples in Feydelor disclose initiation by ionizing radiation and Feydelor et al. is devoid of any teaching as to how these organic peroxides could be used in the manner that Applicants use them. Without the guidance provided by Applicants' disclosure, the skilled artisan would have to discover for himself the features of an insertable device made by Applicants inventive procedures.

Merely mentioning the word "organic peroxide" does not even suggest let alone teach how to use organic peroxides as required to obtain a device meeting all of the limitations of Applicants' claims. Accordingly, Applicants respectfully submit that Feydelor et al. does not provide an enabling disclosure of Applicants' invention as claimed and, therefore, that the rejection should be withdrawn.

Claims 31 - 35 stand rejected as allegedly anticipated under 35 U.S.C. § 102 by Michal et al., United States Patent 6,287,285 (Michal '285). Applicants respectfully submit that, upon entry of the present amendments, any basis for such a rejection that may have existed will be removed.

Michal '285 discloses coated medical devices having a two layer coating. Applicants stridently repeat their previous averment that, if Michal '285 is at *all* relevant to Applicants' claims, only the base coat or layer of Michal '285 is even potentially relevant. Michal '285 discloses that the base coat is made, in part, by polymerization. The polymerization is initiated by electromagnetic radiation (UV). Because the polymerization is initiated with electromagnetic radiation, it is only effective within the "line-of-sight" of the source of the radiation. Accordingly, Michal '825 cannot possibly teach or even suggest a device having at least one luminal surface, shielded from the "line-of-sight" of the electromagnetic radiation source that has a "base coat", as that term is used in Michal '285. Accordingly, Applicants respectfully submit that the rejection should be withdrawn.

Conclusion

Applicants respectfully submit that, based on the foregoing amendments and remarks, the claims are in condition for allowance, which allowance is earnestly solicited. If, in the opinion of the Examiner, a telephonic interview would advance prosecution of the application, the Examiner is invited to telephone the undersigned attorney.

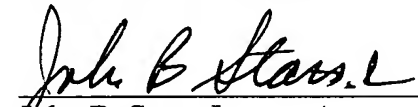
PETITION FOR EXTENSION OF TIME

Applicants hereby petition for a extension of time to reply of THREE MONTHS under 37 C.F.R. § 1.136 for which a fee of \$1,020.00 is due under 37 C.F.R. § 1.17 and paid herewith.

AUTHORIZATION TO DEBIT DEPOSIT ACCOUNT

The Commissioner is hereby authorized to debit deposit account 11-0600 in the amount of \$1,020.00 for the fee due under 37 C.F.R. § 1.17. Applicants respectfully submit that no additional fee is due with this paper. If any additional fees are due with this paper, the Commissioner is authorized to debit deposit account 11-0600 for any such additional fees.

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